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RECORD IN THIS ACTION ON THIS DATE.

DATED: 8-26-08

J. K. [Signature]
DEPUTY CLERK

FILED

AUG 25 2008

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
BY [Signature] DEPUTY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JAMES DAVID LOGAN, II,
Petitioner,
v.
JOHN MARSHALL,
Respondent.

Case No. CV 08-5519-SJO (MLG)

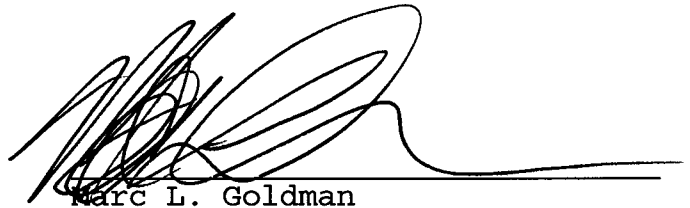
MEMORANDUM AND ORDER DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS WITH LEAVE TO AMEND

Petitioner, a California state prisoner, filed this petition for writ of habeas corpus on August 22, 2008. The petition form is illegible, resulting in the following deficiencies:

- There is no clear statement of what conviction or sentence petitioner challenges, if any. The petition is not coherent,
- There is no information regarding the state appellate history of petitioner's case and no indication of whether or not he has exhausted available state remedies regarding his claim(s);
- The petition form does not clearly set forth the facts supporting petitioner's claim(s); and
- The petition does not clearly state any basis for relief.

1 Based on the above-noted deficiencies, the petition is DISMISSED
2 with leave to amend. Petitioner may file a "First Amended Petition"
3 not later than 30 days from the date of this order. To that end, the
4 Clerk is instructed to send to petitioner with this order a copy of
5 the latest version of form Civ 69 - Petition for Writ of Habeas
6 Corpus by a Person in State Custody, pen-changed to reflect "First
7 Amended" Petition. Petitioner is advised that no attachments may
8 accompany the First Amended Petition except for a SINGLE page
9 inserted behind page 6 of the form, if required. **Petitioner is**
10 **further advised that if he fails to file a First Amended Petition in**
11 **accordance with the requirements of this order and in a manner which**
12 **can be read and understood, the action will be subject to dismissal**
13 **without further notice.**

14 Dated: August 25, 2008

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18 Marc L. Goldman
19 United States Magistrate Judge
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